

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CR 18-14-GF-BMM
	)	
<b>STANLEY PATRICK WEBER,</b>	)	
	)	
Defendant.	)	

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**OBJECTION TO THIRD NOTICE PURSUANT TO FED.R.EVID. 413 &  
414 AND MOTION TO STRIKE WITNESS OR CONTINUE TRIAL**

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**COMES NOW** the Defendant, Stanley Patrick Weber, by and through his undersigned counsel, files this objection to the United States of America’s Third Notice Pursuant to Federal Rule of Evidence of Evidence 413 and 414, and moves this court for entry of an order either striking the identified party as a witness or continuing trial.

**AS GROUNDS THEREFOR**, the Defendant states as follows:

1. This is an action wherein Defendant Stanley Patrick Weber (“Weber”) is charged with violations of §18 USC et al concerning the alleged sexual abuse of minors. Weber has pleaded not guilty, and case is scheduled for a trial beginning August 6, 2018.
2. On Wednesday, July 25, 2018, at about 9:23 pm, the United States of America (“USA”) filed its Third Notice Pursuant to Federal Rule of Evidence 413 and 414 (the “413/414 Motion”). In this 413/414 Motion, the USA identified a new potential witness to this case who is making allegations that, as admitted in the motion, were

voiced for the first time with anybody on July 24, 2018, the day before the motion was filed.

3. It is apparent, from the USA's notice, that their investigation is ongoing. It is also true that new evidence, in the form of evolving witness accounts, are still being generated, despite the fact that the trial is less than 2 weeks away. Weber, who has been investigating the evidence already proffered, is now tasked with conducting further investigation into comments and allegations which are alleged to have occurred (per the 413/414 Motion) in 1992 or 1993, or about 25 years ago.

4. Weber is immensely prejudiced by this new evidence. For one, Weber has less than two weeks to try to disprove the claims, possibly by finding other people who could discount the encounter. What makes this investigation especially arduous is that Weber lives in South Dakota while this new witness was contacted in Browning, Montana (a location that is also over 100 miles from Great Falls, where trial will occur).

5. More than just prejudicing Weber's ability to research his defense, this belated information also runs afoul of the requirements of Federal Rule of Evidence 413 and 414, under which the testimony is being proffered. Pursuant to Rule 413(b) and Rule 414(b)

“If the prosecutor intends to offer this evidence [of other sexual assaults], the prosecutor must disclose it to the defendant, including witness' statements or a summary of the expected testimony. **The prosecutor must do so at least 15 days before trial** or a later time that the court allows for good cause.” *Id.* (Emphasis added).

6. Here, the prosecutors have made this information known a mere 12 days prior to trial and have not sufficiently justified the violation of the rule. Facing such a late disclosure, Weber requests that this court strike this identified person as a potential witness. Barring that, Weber requests a continuance of trial so that a) the USA can

complete its investigation, and b) Weber has sufficient time to investigate these claims, which are about a quarter century old, lacking any independent corroboration, and a departure from what this witness had been previously claiming.

**WHEREFORE**, the Defendant prays for the relief requested, and for such other and further relief as to the Court sees just and proper in the premises.

Dated this 26<sup>th</sup> day of July, 2018.

Respectfully submitted,

/s/ Ryan T. Cox

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of July, 2018, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties entered in the case.

/s/ Ryan T. Cox

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